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SUBJECT: Khmer Rouge Tribunal: The Trial of S-21
Interrogation Center Head Kaing Guek Eav, Week 16

REF: PHNOM PENH 573 AND PREVIOUS

¶1. (SBU) SUMMARY: Embassy staff routinely observes the proceedings of the trial against the notorious Khmer Rouge torture center head, widely known as Duch, at the Extraordinary Chambers in the Courts of Cambodia (ECCC) (Reftel). This report summarizes the 16th week of activities inside the court at the Khmer Rouge Tribunal. More technical accounts of the proceedings can be found at: www.csdccambodia.org; www.kidccambodia.org and at <http://socrates.berkeley.edu/~warcrime/>. END SUMMARY.

Former S-21 Staff Testimony Continues, In Varying Forms

¶2. (SBU) Week 16 featured continuing testimony from former S-21 staffers, including several guards, a medic, a driver, and a messenger. Prosecutors again tried to establish the circumstances in which prisoners were forced to live and the methods used by interrogators to extract confessions. The Defense continued its attempts to highlight the culture of S-21, in which Khmer Rouge cadres operated out of obedience and fear for their lives. For two days of proceedings, the Court spent the morning hearing live testimony from witnesses, and then reviewed written statements in the afternoon. The use of written statements continued to cause some friction between the lawyers, this time the Co-Prosecutors (rather than the Defense team), and the judges. Court President Nil Nonn had to remind the Co-Prosecutors that all parties had agreed in a closed session to hear written statements from less crucial witnesses in order to save time. The live testimony of a survivor of the S-24 re-education camp prompted another dramatic admission of guilt from Duch, who said that he would accept stoning and ritual condemnation by the Cambodian people.

¶3. (SBU) Herewith are observation notes for the week beginning August 10, 2009:

Monday, August 10:

Approximately 350 people observed the day's proceedings. The majority were Cambodians from Kandal Province and Phnom Penh. A few foreign tourists were also in the audience.

Confusion Over Witness Testimony

The first witness in the morning was Mr. Chhun Phal, a rice farmer and former S-21 guard. Chhun's testimony was a bit confused; he asked a few times to have questions repeated, and at one point he contradicted himself. He claimed in his testimony that he was assigned to bury bodies in pits, but in his earlier statement to the co-investigating judges in 2008, he had claimed that he had never dug pits during his time at S-21. Chhun consulted with his court-appointed attorney, Kong Sam Onn, for several minutes before declaring that he stood by his 2008 statement. Chhun also claimed that there were instances of rape at S-21, although he had never personally seen evidence.

In his statement Duch acknowledged that he recognized Chhun as a former S-21 employee. The defendant said that because Chhun had been a young, uneducated teenager from a poor, rural family, he fit the profile of ideal candidates for recruitment. Duch said that he looked for employees who had no ambitions and did not care to know business outside of their everyday duties.

In the afternoon, Mr. Soam Meth testified. He was also a rice farmer and former S-21 guard, but he was posted at a special section of the prison, where senior officials were detained for interrogation purposes. Mr. Soam seemed to clearly recall his experience at S-21.

The translation system was out of order for a few minutes but was quickly restored.

Tuesday, August 11:

ECCC on Cambodian Tour Guides' Lists

Approximately 500 observers were in the audience at today's proceedings, including primary and high school teachers from Kandal Province and a few American tourists who were attending the trial with a Cambodian tour guide.

Soam Meth continued his testimony from the previous day regarding his experience at S-21. He said that during his tenure as a security guard, he saw Duch personally torturing prisoners but had never seen Duch kill anyone. Soam clearly described the interrogation methods used to extract information from prisoners, including electrocution and beatings with sticks.

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KR Leadership: "Cut Off Personal Feelings"

Mr. Soam described a training session in which Duch and other Khmer Rouge leaders instructed S-21 comrades to cut off personal feelings for their families and to consider all detainees to be enemies. He explained that his brother and brother-in-law had also served as Khmer Rouge comrades (i.e., officers), and were arrested and executed. Soam was later transferred from S-21 to the S-24 prison, where he was forced to do hard labor.

Soam said that all S-21 guards and interrogators were working in a climate of fear and mistrust. He said that soldiers "disappeared" one by one. No one knew or dared to ask where the missing soldiers were taken. He said that each S-21 employee had to focus on their duties; those who abused the rules and regulations were arrested or killed.

Duch confessed that most of Soam Meth's testimony was true. The defendant admitted that he had beaten prisoners, but noted that his responsibility for the deaths of thousands of people as the Director of S-21 was a bigger crime.

Use of Written Statements Continues to Create Friction

Soam Meth was the only witness to testify in person during the day. Another four written witness statements were read out loud, according to a procedure that the judges and attorneys had agreed to during a closed meeting. Court President Nil Nonn briefly repeated that all parties had agreed to the process for including written witness statements when one of the co-prosecutors tried to insist that the day's witnesses should appear in person.

The first written statement contained the testimony of Mak Sithim, a former S-21 medic who said that one or two S-21 prisoners died every day. The second statement, by former S-21 security guard Toy Teng, described the execution procedures at Cheung Ek (i.e., the "Killing Fields"). In the third written statement, former messenger Chet Chom described how he saw Duch and Ieng Sary meet; he speculated that the two had been discussing prisoner confessions. In the

fourth and final statement read before the Court, former driver Meas Peng Kry described transporting a group of Vietnamese soldiers captured by the Khmer Rouge to S-21.

Duch was given an opportunity to respond to the written testimonies.

He said that he recognized some of the arrest, torture, and execution procedures described in the statements, but he also refuted some of the points. He said that he did not remember the individuals who gave written statements, but that perhaps this was because they were working in low-level positions.

The audience paid close attention the day's proceedings and were in general very quiet. Aside from the brief exchange between the judges and the co-prosecutors regarding use of written statements versus live witnesses, the proceedings seemed to run well.

Wednesday, August 12:

There were nearly 500 observers in attendance at today's proceedings. Most came from the defendant's home province, Kampong Thom. There was also a group of teachers from Kampong Chhnang Province.

S-24 Survivor Testimony Prompts Dramatic Reactions

Today the Court heard testimony from Mrs. Bou Thon, a survivor of the S-24 re-education camp whose husband and children had been killed at S-21. Bou described how her husband had disappeared, and how she had been subsequently assigned to work in S-24, where she was assigned to haul water, chop firewood, and collect vegetables, among other tasks. Mrs. Bou described being beaten, receiving insufficient food supplies, and how others who broke S-24's rules were made to disappear.

Mrs. Bou discussed how after the fall of the Khmer Rouge she had found a photo of her husband displayed at the Tuol Sleng Museum, which meant that he had been held there and ultimately killed. Duch noted that he recognized her husband as a former prisoner, acknowledged Mrs. Bou's suffering, and commended her for her testimony. The defendant's statements prompted the witness to begin weeping, an objection from the civil party lawyers, and a warning from presiding Judge Nil Nonn to Duch to avoid deliberately heightening the witnesses' distress during his statements. Duch dramatically concluded by saying that, like some Christian saints, he would accept stoning and ritual condemnation by the Cambodian people, and that he would not challenge the judgments against him

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made by the ECCC.

In general the trial proceeded smoothly. The Cambodian observers seemed to be frustrated at some points and talked when they were not pleased with the proceedings, for example when questions were repeated or unclear. The Khmer to English translation was conducted well, but the Khmer to French translation seemed to be slow.

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